

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

PINNACLE PACKAGING COMPANY,)
INC., POLO ROAD LEASING, LLC,)
J. SCOTT DICKMAN,)

Plaintiffs,)

vs.)

Case No. 12-CV-537-JED-TLW

ONE EQUITY PARTNERS LLC, ONE)
EQUITY PARTNERS (EUROPE) GmbH,)
and CONSTANTIA FLEXIBLES GmbH,)

Defendants.)

ORDER

The Court has for its consideration plaintiffs’ “Combined Motions For Issuance Of Letter Rogatory, Order, and Unopposed Extension Of Service Time” (“Combined Motions”) (Doc. 36). In the Combined Motions, plaintiffs seek permission and assistance regarding service upon two defendants (One Equity Partners (Europe) GmbH and Constantia Flexibles GmbH) in foreign countries under Fed. R. Civ. P. 4(f). Upon consideration of the Combined Motions and for good cause shown, the Combined Motions (Doc. 36) are hereby **granted in part**, as follows:

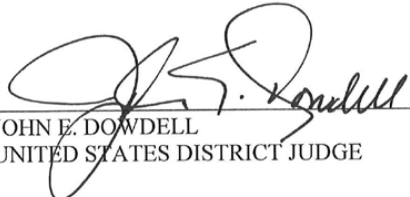
1. The letter rogatory (titled “Request for International Judicial Assistance”), in the form requested and submitted by plaintiffs, has been issued with an original signature of the Court. Plaintiffs shall retrieve the original of that document from the Clerk of this Court and shall attach the Summons and Amended Complaint, with certified German translations thereof, to that document before presentation to the proper Austrian authority;

2. The Order Appointing International Process Server, in the form requested and submitted by plaintiffs, has been executed by the Court, and plaintiffs shall retrieve the original of that order from the Clerk of this Court;

3. It is plaintiffs' responsibility to take all steps necessary to complete proper service in accordance with applicable law. In that regard, plaintiffs shall promptly complete any additional documents or requests necessary to effectuate foreign service upon the defendants; and

4. The Court finds that no enlargement of time is necessary for service of process on One Equity Partners (Europe) GmbH and Constantia Flexibles GmbH, as the 120 day time limit imposed by Fed. R. Civ. P. 4(m) for serving process after filing a complaint does not apply to service in a foreign country under Fed. R. Civ. P. 4(f). *See* Fed. R. Civ. P. 4(m) ("subdivision (m) does not apply to service in a foreign country under Rule 4(f)"); *see also, e.g., Mitchell v. Theriault*, 516 F. Supp. 2d 450, 457-58 (M.D. Pa. 2007); *Turpin v. Mori Seiki Co.*, 56 F. Supp. 2d 121, 129 (D. Mass. 1999); *Cargill Ferrous Int'l v. M/V Elikon*, 154 F.R.D. 193, 195-96 (N.D. Ill. 1994). Therefore, based upon the representations in the Combined Motions and the consent by counsel representing One Equity Partners LLC and Constantia Flexibles GmbH to permitting plaintiffs one year to effect service upon the foreign entities, the Court hereby orders that plaintiffs shall have one year from the date of this Order in which to complete service under Fed. R. Civ. P. 4(f) (in accordance with the requirements of Rules 4(f) and 4(h)(2)) upon One Equity Partners (Europe) GmbH (in Germany) and Constantia Flexibles GmbH (in Austria). Plaintiffs shall proceed with diligence in their efforts to complete service in accordance with applicable law.

IT IS SO ORDERED this 8th day of February, 2013.


JOHN E. DOWDELL
UNITED STATES DISTRICT JUDGE